

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 697 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMESH VIRSING @ VERSI JESING

Versus

STATE OF GUJARAT

Appearance:

MRS MADHUBEN SHARMA for Petitioner
MR. BD DESAI, LD. APP with MR. MR ANAND, LD. PP. for
the respondent no.1,
SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 05/07/96

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. B.D. Desai,
Ld. APP with Mr. M.R. Anand, Ld. PP for the State.

Heard. This petition has been moved by the
petitioner for obtaining following reliefs :-

'(A) Be pleaded to allow this petition and be pleased to pass appropriate order with regard to sentence awarded to the petitioner in sessions case No. 101/81 decided by Sessions Judge, Baroda, and Sessions Case No. 71/81 decided by District and Sessions Judge, Ahmedabad to run concurrent.

(B) Be pleased to direct the respondent to consider the case of the petitioner for final release.

(C) Be pleased to direct the respondent to consider the application of the petitioner for parole leave in accordance with law or in alternative be pleased to release the petitioner on parole on any appropriate condition that may be deemed fit just and proper in the interest of justice.'

Out of the aforesaid reliefs the relief contained in clause (C) for granting parole has been insisted upon. It is the case of the petitioner that he has been in jail since last about 15 years and that he has filed application dated 30/6/1995 before the Government to consider his case for final release as per section 433 A of the Cr. P.C. No decision has been taken by the Government on that application. The petitioner has been informed that marriage of his only son has been fixed on 1/7/1996.

In reply the Ld. APP has submitted a statement signed by the Jail Superintendent inter-alia stating that the petitioner had not reported for 252 days on some occasion in the year 1985 when he was released on parole. This is with regard to the sentence which the petitioner was undergoing in the previous case. However, he was sentenced for 7 years by the learned Addl. Sessions Judge, Ahmedabad (Rural) as per his order dated 12/2/1992. It is further submitted by Mr. B.D.Desai that on previous occasions the prayer for furlough was rejected by a Division Bench of this Court as per order dated 16/1/1990 in Special Criminal Appln. No. 43 of 1990.

In reply it has been submitted on behalf of the petitioner that the prayer for parole relates to the sentence which the petitioner is undergoing in the Sessions Case No. 71/91. This submission is not relevant to the petitioner's conduct which has been noticed by

this Court even in the past. Besides, the occasion of marriage has also been over and, therefore, the prayer for parole would not survive. However, in future if any, parole application is given by the petitioner, the same shall be dealt with in accordance with law instead of refusing to accept it.

In any view of the matter this petition is not required to be entertained. Hence, rule discharged.